

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT GENE REGA,)
)
Plaintiff,) Civil Action No. 08-156
)
v.) Judge McVerry/
)
THOMAS ARMSTRONG,)
)
Defendant.)

MEMORANDUM ORDER

Now pending is PLAINTIFF'S MOTION IN LIMINE RELATED TO HIS APPEARANCE AT TRIAL (ECF No. 508), with brief in support, filed by counsel for Plaintiff Robert Rega. Defendant has filed a response and the motion is ripe for disposition.

Jury selection and trial is scheduled to commence on July 11, 2016. Rega is incarcerated at SCI-Greene on "death row." Although the parties have stipulated that references to Rega's criminal history and current status will not be made at trial unless Rega opens the door to such testimony, *see* ECF No. 507, it is obvious that his presence in the courtroom will present significant security concerns.

Plaintiff recognizes the need for physical restraints to ensure safety, but seeks five accommodations to minimize any perception of prejudice that his appearance may have on the jury. Plaintiff requests: (1) that Rega be permitted to wear civilian clothes during trial; (2) that a scrim or fabric be placed around both counsel tables, to obstruct the jury's view of any leg restraints; (3) that Rega enter the courtroom prior to the jury, and exit the courtroom after the jury has left. Defendant does not oppose these requests, and they are hereby **GRANTED**.

In addition, Plaintiff requests: (4) that all correctional officers and/or U.S. Marshals be

stationed at a discrete and unobtrusive distance; and (5) that Rega be permitted to wear leg restraints, but not handcuffs, during the trial. Defendant opposes these requests and they are hereby **DENIED**. As Judge Ambrose explained in *Brown v. Worstell*, 2005 U.S. Dist. LEXIS 15274 at *9 (W.D. Pa. 2005), the jury will certainly learn that Rega is incarcerated. Any incremental perception of prejudice to Rega is greatly outweighed by security and safety concerns. The Court will defer to the U.S. Marshal regarding such measures.

SO ORDERED this 9th day of June, 2016.

s/Terrence F. McVerry
United States District Judge

cc: All Counsel of record via CM-ECF